THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4215 of 2007

Date: 15.03.2007

Between:

M.Sura Reddy.

....Petitioner

And

Sub-Registrar, Jaggaiahpet Mandal, Krishna District.

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O R D E R:

The petitioner emerged as the successful bidder in respect of a sand quarry. The relevant Rules provide for registration of the lease. According to the petitioner, the stamp duty and registration fee payable on the lease deed is 3% of the bid amount. The petitioner states that he approached the respondent, with a request to furnish the details of stamp duty and registration fee payable on the document. It is stated that the respondent demanded the said charges at 5½% on the bid amount. The grievance of the petitioner is that the amount insisted by the respondent is in excess of what is stipulated under the relevant provisions. He draws comparison with the identical documents, said to have been accepted for registration by the

registering authorities in other Districts.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner is yet to present the lease deed before the respondent for registration. The Indian Stamp Act and the Registration Act do not provide for intimation of the stamp duty and registration fee payable on any document, unless the document itself is presented. A party to a document is entitled to specify the value thereof and to pay the stamp duty and registration fee. It is thereafter, that the registering authority would be in a position to examine the same. In case, the stamp duty and registration fee are found to be adequate, the document is registered. If it is found to be inadequate, two courses emerge. The first is that the party may pay the deficit stamp duty and registration fee. The second is that the matter is to be referred in accordance with the 47-A of the Indian Stamp Act, 1899. When the petitioner is yet to present the document, the question of examining the adequacy or otherwise of the stamp duty and registration charges, be it, by the respondent or by this Court, does not arise.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to present the document before the respondent. As and when it is presented, necessary steps shall be taken within a period of one (1) week therefrom. There shall be no order as to costs.

15.03.2007

JSU